

Gifts and Benefits

Contents

1. Scope
2. Purpose
3. Policy
4. Related Resources
5. Definitions

1. Scope

This Policy applies to all Council Officials, including Councillors, Administrators, members of staff of Council, Council Committee members, Conduct Reviewers, Delegates of Council and volunteers having employee functions or acting in an employee capacity on behalf of Council.

2. Purpose

The Gifts and Benefits Policy provides guidance for appropriate actions in relation to offers of gifts, hospitality or benefits. This Policy also provides clarity around its provision under the Code of Conduct, and forms a central part of the City of Parramatta Council's (Council) Code of Conduct Framework and ensures the appropriate mechanisms are in place to protect the integrity, security and reputation of Council.

3. Policy

Council's Code of Conduct (the Code) outlines the standards of conduct expected of all Council officials. This Policy aims to ensure that Council performs its public functions fairly and impartially in accordance with the Code. Staff must be aware of their obligations under the Code, and should at all times adhere to them.

It is acknowledged that Council officials may at times be offered gifts, hospitality or benefits during the course of their duties; however, it is important to understand

Gifts and Benefits		
Owner: Governance Manager	Area: Corporate Services	POL No: 334
Date of Commencement: 2013	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years

that the offering and or acceptance of such items may give the impression that Council has been unduly influenced in its decision making process, or is providing preferential treatment to individuals or organisations, giving rise to an actual, perceived or potential conflict of interest.

Council officials should never expect to get anything extra for doing what they are appointed to do. Council officials must not seek or accept any payment, gift or benefit intended or likely to influence them, or that could reasonably be perceived by an impartial observer as intended or likely to influence them:

- To act in a particular way (including making a particular decision)
- To fail to act in a particular circumstance
- To otherwise deviate from the proper exercise of official duties.
- To influence others from the proper exercise of official duties.

Council officials must avoid situations in which the appearance may be created that any person or organisation, through the provision of hospitality and other gifts or benefits of any kind, is securing or attempting to secure a favour from that Council official and Council.

Any offer or acceptance of a gift, hospitality or benefit of any value must be disclosed using the Gift and Benefit Disclosure Form and recorded in Council's Gifts and Benefits Register.

In accordance with the Code, you must not:

- Seek or accept a bribe or other improper inducement;
- Seek gift or benefits of any kind;
- Accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty;
- Accept any gift or benefit of more than token value, unless the gift or benefit cannot reasonably be refused or returned (if the gift or benefit cannot reasonably be refused or returned, it must be surrendered to the Council, unless the nature of the gift makes this impractical);
- Accept an offer of cash or cash-like gift (cash-like gifts include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them,

Gifts and Benefits		
Owner: Governance Manager	Area: Corporate Services	POL No: 334
Date of Commencement: 2013	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years

prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the public or a broad class of persons) regardless of the amount;

- Participate in competitions for prizes where eligibility is based on Council being in, or entering into, a customer-supplier relationship with the competition organizer;
- Personally benefit from reward points programs when purchasing on behalf of Council.

In addition to the requirements in the Code of Conduct, the following applies:

- Immediate family members or relatives must not accept gifts, hospitality or benefits on your behalf.
- You must not use your position to influence others or take advantage of your status or position in the performance of your duties in order to obtain private benefit for yourself or somebody else.
- Any suspected bribery attempts, including the offer of cash or a cash-like gift, must be reported to the Chief Executive Officer immediately. The Chief Executive Officer will inform the Independent Commission Against Corruption (in accordance with the *Independent Commission Against Corruption Act 1988*) and the Police, if appropriate.

Councillors must also consider their disclosure obligations when completing their Disclosures of Interest and Other Matters Return required under the Code of Conduct, supported by section 440 of the *Local Government Act*. If the value or cumulative value of gifts, hospitality or benefits, from one donor should exceed the amount of \$500 in the return year, the Gifts Section of the Return Form must be completed by the recipient, in addition to the recipient making the declaration of such gifts or benefits in Council's Gifts and Benefits Register (please see Schedule 1 of the Code of Conduct for more information).

3.1 Token gifts, hospitality or benefits

Whilst the Code of Conduct allows the acceptance of gifts and benefits of token value, Council officials are encouraged not to accept gifts, hospitality or other benefits of any kind. Any offer and/or acceptance of a gift of any kind must be

Gifts and Benefits		
Owner: Governance Manager	Area: Corporate Services	POL No: 334
Date of Commencement: 2013	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years

declared using Council's Gifts and Benefits Disclosure Form for recording in the Gifts and Benefits Register.

Additionally, Council officials should be aware of repeated offers of token gifts from the same source, which can cumulatively amount to more than token value, and indicate a deliberate intent to secure favorable treatment from Council. Repeated offers of gifts, hospitality or benefits can constitute an actual or perceived attempt to bribe a Council official, and must be refused and disclosed in the Gifts and Benefits Disclosure Form for recording in Council's Gifts and Benefits Register.

Where Council officials are concerned that the intent of an offer may be inappropriate, the gift, hospitality or benefit should not be accepted. Such circumstances may include offers of gifts from a supplier, a customer with a Council decision pending or any circumstances that would give rise to a perceived, possible or actual conflict of interest.

Token value for the purposes of this Policy is \$100 in value received in aggregate from a person or organization over a 12-month period.

3.2 Gifts, hospitality or benefits of more than token value

Gifts, hospitality or benefits of more than token value are those greater than \$100 (inclusive of GST) or a number of gifts and benefits received from the same person or organization over a 12-month period that in aggregate exceed \$100 (inclusive of GST) in value.

Wherever possible, Council officials are encouraged not to accept gifts, hospitality or other benefits of more than token value, however in instances where gifts are unable to be refused the gift will be disclosed and managed in accordance with the process outlined in this Policy.

3.3 Cultural considerations or official functions

Council officials often conduct official business with agencies and organisations, where gifts and hospitality are offered to express appreciation and good will. Every

Gifts and Benefits		
Owner: Governance Manager	Area: Corporate Services	POL No: 334
Date of Commencement: 2013	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years

effort should be undertaken to ensure that gifts or benefits are refused with a proper explanation, courtesy and due regard to cultural sensitivities. In instances where such offers are unable to be refused or returned as it may be considered offensive or cause embarrassment; gifts must be reported using the Gifts and Benefit Disclosure Form and surrendered to Council for appropriate action, and legitimate invitations of hospitality will not be seen as a breach of this Policy or Code of Conduct.

As per Sections 6.9 & 6.10 of the Code of Conduct, some items regardless of their value are not considered to be of token or nominal value. These include, but are not limited to:

- tickets to major sporting events (such as international matches or matches in national sporting codes);
- corporate hospitality at a corporate facility at major sporting events;
- free or discounted products or services for personal use provided on terms that are not available to the general public;
- the frequent use of facilities such as gyms;
- use of holiday homes;
- artworks; and
- free or discounted travel.

These items, if offered, must be refused.

On occasion however, and as a demonstration of Council's recognition and support for the contributions that local clubs make to the community, the Mayor, Councillors and Chief Executive Officer or their delegate may attend local community and sporting events, including for professional and semi-professional level sporting teams for the purpose of performing their official function in accordance with Clause 6.2 of the Code of Conduct. This does not include invitations to functions and events hosted by suppliers or third parties.

Where conducting official business, the Lord Mayor or Administrator, Councillors and Chief Executive Officer or their delegate may attend work related functions to further the business interests of Council. This does not include an invitation to an event (such as sporting or otherwise), where a business conversation took place.

Gifts and Benefits		
Owner: Governance Manager	Area: Corporate Services	POL No: 334
Date of Commencement: 2013	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years

Any legitimate invitation is in recognition of their official roles as Council officials. Attendance at such events will not be seen as a breach of this Policy or Code of Conduct, provided Council officials act in accordance with their responsibilities under the Code.

Official and Ceremonial Gifts and Goodwill

Organisations or individuals may offer official / ceremonial gifts of goodwill to the Council. In such circumstances it is reasonable for official representatives of the Council to accept official gifts on behalf of Council. Such gifts shall be considered the property of the Council and may be displayed in an appropriate and secure location for public viewing.

3.4 Accepting modest hospitality at work meetings

There is no requirement to declare receipt of modest hospitality that is provided by another agency or individual as part of normal work related activities including the provision of modest beverages and food at interviews, business meetings, conferences and seminars.

3.5 Accepting free or subsidised hospitality at work related social functions

Frequent social interactions that involve the provision of hospitality can undermine the professional nature of a relationship and could give rise to a future conflict of interest. Attendance at events in a representative capacity that involve official duties can be accepted, where attendance directly benefits the Council. Any event attended in an official capacity should be declared in the Gifts and Benefits Register. Attendance at events should be consistent with the functions and objectives of Council and benefit the Council as a whole.

3.6 Prizes and incentive schemes

Council officials must not enter competitions or receive incentives (such as additional frequent flyer points), gifts or prizes sponsored by persons or

Gifts and Benefits		
Owner: Governance Manager	Area: Corporate Services	POL No: 334
Date of Commencement: 2013	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years

organisations that have business dealings with Council. Any prizes or incentives that may create a sense of obligation and affect their discretionary judgement as a Council official should be avoided. Instances where this occurs should be recorded in the Gifts and Benefits Register.

Receipt of an unexpected prize win, such as a lucky door prize or similar gift, while attending a function, conference or seminar in an official capacity should be disclosed in Council's Gifts and Benefits Register. All gifts and benefits given to Council officials in their official capacity are technically the property of Council and must be surrendered.

3.7 Gift, hospitality or benefit process

- All offers irrespective of whether they were rejected or accepted must be reported using Council's Gifts and Benefit Disclosure Form (see attached) for recording on the Gifts and Benefits Register.
- Offers that have been received will be actioned at the discretion of the Governance Manager, and may be disposed of, returned or redistributed.
- The Governance Manager will monitor the Gifts and Benefits Register and all Gift and Benefit Disclosure forms completed by Council officials.

3.8 Return and disposal of gifts or benefits of more than token value

If a gift or benefit of value is to be returned in person, this should preferably be done in the presence of a witness. Details of the circumstances and details of the nature and value of such gift or benefit must be entered into the Gifts and Benefits Register. Similarly, offers of hospitality that have more than a token value should be courteously refused and also included on the Gifts and Benefits Register.

If a gift or benefit is received by a Council official, which should not be accepted by the Council official and cannot reasonably be returned to the donor, the gift or benefit must be disposed of by Council in a transparent manner.

Gifts and Benefits		
Owner: Governance Manager	Area: Corporate Services	POL No: 334
Date of Commencement: 2013	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years

Some options for the management of the gift or benefit include:

- a) sharing the gift amongst all staff (such as perishable items)
- b) donation to the Council Social Club (for non-perishable items or gifts of alcohol)
- c) the running of a raffle or an auction with the proceeds going to a charity.

The preferred method of disposal will be at the discretion of the Chief Executive Officer.

3.9 Restrictions on acceptance by certain Council officials

Council officials, who are involved in exercising regulatory and procurement processes, are prohibited under any circumstances to accept gifts, hospitality and benefits of any kind, where the staff are dealing with persons seeking a decision from Council, or who have sought a decision from Council.

Council officials who fall within this category include Town Planners, Development Assessment Officers, Compliance Officers such as Rangers and Parking Control Officers and staff who are involved in procurement and tendering (including the evaluation of tenders or other proposals), leasing functions or disposal of assets.

Any offer of a gift or benefit made by an external party in an actual or perceived attempt to bribe a Council official must be refused, and the offer disclosed in the Gifts and Benefits Disclosure Form and recorded in Council's Gifts Register.

3.10 Restrictions on Accepting travel and accommodation for work related functions

Any offer of free or subsidised travel and accommodation to attend a meeting or conference either as a participant or presenter must demonstrate a benefit to the Council. There cannot be a connection between the operation of the Council and

Gifts and Benefits		
Owner: Governance Manager	Area: Corporate Services	POL No: 334
Date of Commencement: 2013	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years

the contractor offering the benefit. Chief Executive Officer approval must be sought prior to acceptance of the benefit and the acceptance registered in the Gifts and Benefits register.

3.11 Any Council official who is offered a bribe must refuse to accept the offer and immediately report the incident

The official must refuse to accept any gift or benefit that you the official believes is being offered as a bribe or inducement for the official to act in a particular way or make a particular decision. Council officials must report any such incident immediately to the Chief Executive Officer and the Chief Executive Officer is to report any incidents to the Lord Mayor. In some circumstances, it may be deemed appropriate to report the matter to police. The Chief Executive Officer has a legislative responsibility to report any possible corrupt conduct to the Independent Commission Against Corruption (ICAC) under the *ICAC Act 1988* Section 11.

If an official becomes aware of another Council Official soliciting gifts or benefits or accepting bribes, the official must report the fact or suspicion to the Chief Executive Officer. Action taken will be in accordance with Council’s Code of Conduct and Procedures for the Administration of the Model Code of Conduct.

3.12 Accepting gifts of money is strictly prohibited in all circumstances

Accepting offers of money or cash like gifts is never acceptable regardless of the circumstances. Such a gift would almost definitely be perceived as an attempt at bribery.

Gifts and Benefits		
Owner: Governance Manager	Area: Corporate Services	POL No: 334
Date of Commencement: 2013	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years

3.13 Inadvertent acceptance of gifts of appreciation or gratitude above nominal value

In circumstances where a gift or benefit with a value greater than the nominal value is inadvertently accepted by Council officials and cannot easily be returned, it must immediately be declared. These circumstances could arise, for example, if a wrapped gift was received and not opened in the presence of the giver; gifts accepted for cultural, protocol or other reasons where returning the gift would be inappropriate; anonymous gifts; gifts that are delivered or received by mail; and gifts given in a public forum where attempts to refuse or return the gift would cause significant embarrassment or offence.

3.14 Giving gifts or benefits to other agencies or officials

There may be occasions when it is appropriate for Council officials to give gifts or benefits to individuals from other public or private bodies, such as a modest token of appreciation or a presentation of a gift for protocol reasons. Permission for the giving of gifts or benefits by Council officials must be obtained from the Chief Executive Officer.

3.15 Donations of complimentary tickets

On occasion, Council receives donations of complimentary tickets to local community or sporting events with the intention that they be distributed to the local community or disadvantaged groups. When complimentary tickets are received by Council officials they are to be immediately provided to the Chief Executive Officer who will determine distribution to community groups. The Lord Mayor and Chief Executive Officer will distribute those tickets as appropriate.

3.16 Breaches of this Policy

Any breaches of this Policy could constitute a possible act of misconduct, and may

Gifts and Benefits		
Owner: Governance Manager	Area: Corporate Services	POL No: 334
Date of Commencement: 2013	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years

lead to disciplinary action under the Code of Conduct. Serious breaches by Council officials such as soliciting, or attempt to solicit, or knowingly accepting a bribe, will be reported to the Lord Mayor or Chief Executive Officer for referral to the ICAC.

4. Related Resources

4.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Independent Commission Against Corruption Act 1988*

4.2 Associated Documents

- Code of Conduct
- Gift and Benefit Disclosure Form
- Disclosures by Councillors and Designated Persons
- Gifts and Benefits Register
- Fraud and Corruption Prevention Policy
- Procurement Policy
- Statement of Business Ethics

4.3 Definitions

Benefit

A benefit includes instances of preferential treatment, hospitality, privileged access or favours offered in relation to work activities. Examples include invitations to sporting, cultural and social events or point accrual for discount and loyalty programs if used for personal benefit.

Bribe

A gift, hospitality or benefit offered to or solicited by a public official to influence that person to act in a particular way.

Gifts and Benefits		
Owner: Governance Manager	Area: Corporate Services	POL No: 334
Date of Commencement: 2013	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years

- Cash-like gift*** A cash-like gift includes, but is not limited to, gift vouchers, lottery tickets, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, membership or entitlements to discounts.
- Ceremonial gift*** An official gift from one agency to another agency, eg commemorative plaque from an overseas delegation.
- Conflict of Interest*** Any private or personal interest which could influence or be perceived to influence a person in the performance of their public or professional duties
- Council official*** Includes all Councillors, staff and contractors of the City of Parramatta Council. It includes temporary staff, private contractors, Conduct reviewers, consultants and volunteers having employee functions or acting in an employee capacity on behalf of Council.
- Cumulative gift*** Repeated offers of token gifts from the same source, which can cumulatively amount to more than token value.
- Gifts, hospitality and benefits of more than token value*** Gifts, hospitality and benefits that have more than a token value include, but are not limited to, tickets to major state or international sporting events (such as state or international cricket matches or matches in other national sporting Codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.
- Hospitality*** Hospitality includes offers of food, drink and entertainment at events and activities involving workers and external organisations or individuals, during or in relation to work activities. This includes hospitality provided outside of normal working hours in relation to work activities.

Gifts and Benefits		
Owner: Governance Manager	Area: Corporate Services	POL No: 334
Date of Commencement: 2013	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years

Immediate family members

Immediate family members include parents, spouses, domestic partners, children, grandchildren and siblings.

Lucky door prize

A prize awarded to the holder of a winning ticket passed out at the entrance to a function, conference or seminar.

Token gift, hospitality and benefits

Gifts, hospitality and benefits to a value of \$50. Examples include:

- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i. the discussion of official business
 - ii. Council work related events such as training, education sessions, workshops
 - iii. Conferences
 - iv. Council functions and events
 - v. social functions organised by groups, such as Council committees and community organisations
- b) invitations to and attendance at local social, cultural or sporting events
- c) gifts of single bottles of reasonably priced alcohol to individual Council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
- e) prizes of token value.

Gifts and Benefits		
Owner: Governance Manager	Area: Corporate Services	POL No: 334
Date of Commencement: 2013	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years